

**REMARKS/ARGUMENTS**

Claims 53-66 and 72 now stand in the present application, claims 54, 58, 61, 64 and 72 having been amended, claims 67-71 and 73-75 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has first noted that certain references contained on the Information Disclosure Statements filed in this case have not been considered. Applicants note that the references listed on the PTO-1449 form, filed on November 24, 2003, were references cited in parent application 10/229,067 and that the Examiner is obligated to consider and cite these references in this case. More particularly, MPEP 609.02 states that the "Examiner will consider information...[from] a parent application" and because Applicants submitted the listing of references "the information [must] be printed on the patent." Accordingly, it is improper for the Examiner not to consider and cite these references.

With respect to the references listed in a PTO-1449 form filed on May 3, 2004, Applicants have herewith submitted better copies of the references which were not considered by the Examiner together with copies of English language abstracts of those references, and Applicants respectfully request that at least the English language abstracts be considered and cited in the present application.

The Examiner has provisionally rejected claims 67-71 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 48-52 of co-pending application 10/801,038. In order to expeditiously place this case in condition

for allowance, Applicants have herewith submitted a Terminal Disclaimer for overcoming the Examiner's obviousness-type double patenting rejection of the claims.


The Examiner has indicated allowable subject matter in claims 53-66 and 72. In order to expeditiously place this case in condition for allowance, Applicants have canceled the other remaining claims in this case so as to only leave the allowable claims 53-66 and 72. Allowable claims 54, 58, 61, 64 and 72 have been amended to correct typographical errors and to more clearly recite Applicants' inventions.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 53-66 and 72, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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